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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,543	09/28/2000	Kazuaki Mori	JP919990216US1	1169

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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2615

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DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,543

Applicant(s)

MORI, KAZUAKI

Examiner

Bob Chevalier

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 6 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7-10, and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sata et al in view of the submitted prior art of Krause et al (WO 96/33579).

Sata et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 1, 5, and 12, including the feature of storing data on a random accessible recording device (See Sata et al's Figure 4, component 4), the feature of the input path for transferring input data to the recording device (See Sata et al's Figure 4, components 1, and 102), the feature of the output path for transferring output data stored in the recording device, the output path being separate from the input path (See Sata et al's Figure 4, components 106, 7, and 8, To), and the feature of simultaneously storing inputted data to the recording device and reading stored data from the recording device to the output as specified in the present claims 1, 5, and 12. (See Sata et al's claim 1, paragraph b).

Sata et al fails to specifically disclose the feature of the input buffer disposed in the input path and the output buffer disposed in the output path, and further, the feature of the controller being positioned between the input and the output buffers for controlling purposes as specified in the present claims 1, 5, and 12.

The submitted prior art Krause et al does disclose a recording/reproducing apparatus which shows the feature of the input buffer disposed in the input path and the output buffer disposed in the output path, and further, the feature of the controller being positioned between the input and the output buffers for controlling purposes as specified in the present claims 1, 5, and 12. (See Krause et al's Figure 2, components 16, and 18, and 14-15).

It would have been obvious to one skilled in the art to modify the Sata et al's recording/reproducing apparatus wherein the input and output means provided thereof would respectively incorporate an input buffer and an output buffer for the purpose of buffering the inputted and the outputted data, and further, a controller being positioned between the input and the output buffers for controlling purposes in the same conventional manner as is shown by Krause et al. The motivation is to have a better control over the rate of the data transmitted to and from the recording device, thereby increase the quality of the recorded and reproduced data on and from the recording medium as suggested by Krause et al.

It is, therefore, to be noted that the feature of simultaneously storing the input data into the input buffer and transferring the output data from the output buffer as claimed would also be inherently present in the proposed combination of Sata et al and Krause et al indicated above. Because, such a proposed combination of Sata et al and Krause et al would include the capability of read out video data from the recording medium to the output buffer while simultaneously storing into the recording medium video data retrieved from the input buffer. Consequently, respectively writing and

reading to the input and the output buffer would forcedly be present in said proposed combination of Sata et al and Krause et al.

With regard to claims 2, and 8-10, the feature of the controller being positioned between the input and output buffers and the recording device and performing the storing, the transferring, writing and reading, in response to commands from the outside as specified thereof is present in the proposed combination of Sata et al and Krause et al indicated above. (See Krause et al's Figure 2, components 14-15).

With regard to claim 3, the feature of the path used for command input and status output being connected to the controller separately from the input path and the output path as specified thereof is present in the proposed combination of Sata et al and Krause et al indicated above. (See Krause et al's Figure 2, components 15-14, and the corresponding disclosure).

With regard to claim 7, the feature of the hard disk for the storing data as specified thereof would be present in the proposed combination of Sata et al and Krause et al indicated above. (See Sata et al's Figure 4, component 4).

3. Claims 4, 6, 11, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Willis discloses a data buffer management to enable apparent simultaneously record and playback from a rewriteable digital disk.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ROBERT CHEVALIER
PRIMARY EXAMINER

B. Chevalier
May 15, 2004.